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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  2001.10.241.WT0							
<small>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</small>  on <u>Nov 9, 2005</u> Signature <u>Kathy Hamilton</u>  Typed or printed name <u>Kathy Hamilton</u>		<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;">Application Number  10/034,394</td><td style="width: 50%; padding: 5px;">Filed  December 27, 2001</td></tr><tr><td colspan="2" style="padding: 5px;">First Named Inventor  Bryan Jeffery Moles</td></tr><tr><td style="padding: 5px;">Art Unit  2174</td><td style="padding: 5px;">Examiner  Ryan F. Pitaro</td></tr></table>		Application Number  10/034,394	Filed  December 27, 2001	First Named Inventor  Bryan Jeffery Moles		Art Unit  2174	Examiner  Ryan F. Pitaro
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First Named Inventor  Bryan Jeffery Moles									
Art Unit  2174	Examiner  Ryan F. Pitaro								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. 39.775 Registration number _____</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"><div style="margin-bottom: 10px;"><div style="display: flex; justify-content: center; gap: 10px;"><div>Signature</div><div>John T. Mockler</div></div><div>Typed or printed name</div></div><div style="margin-bottom: 10px;">(972) 628-3649 Telephone number</div><div>November 9, 2005 Date</div></div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p></div>									

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**DOCKET NO. 2001.10.241.WT0**  
**Customer No. 23990**

**PATENT**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : Bryan Jeffery Moles  
U.S. Serial No. : 10/034,394  
Filed : December 27, 2001  
For : ALTERNATE INTERPRETATION OF MARKUP LANGUAGE  
DOCUMENTS  
Group No. : 2174  
Examiner : Ryan F. Pitaro

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal.

**STATUS OF THE CLAIMS**

Claims 1-21 are pending in the present application.

Claims 1-21 have been rejected.

In Section 3 of the July 26, 2005 Office Action, the Examiner rejected Claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over Timothy Bickmore, et al., *Web Page Filtering and Re-Authoring for Mobile Users*, 42 COMPUTER J. 534 (1999) ("*Bickmore*") in view of U.S. Patent No. 6,489,976 to *Patil et al.*, ("*Patil*"). The Applicant respectfully submits: i) that there is no suggestion or motivation to combine the reference teachings; and ii) that the proposed combination of the *Bickmore* and *Patil* systems would not result in the invention as recited in independent Claims 1, 8 and 15. As such, the Examiner has failed to establish a *prima facie* case of obviousness.

Independent Claim 31 is reproduced here for the convenience of the review panel:

1. For use in a browser, a converter for automatically adapting markup language documents for display in small areas comprising:

a conversion controller for scanning a portion of markup language source selected for display for tags associated with graphical elements and automatically replacing each detected graphical element within the selected markup language source portion with one of a plurality of placeholders having labels corresponding to a set of buttons,

wherein the plurality of placeholders are reused to replace detected graphical elements within other portions of the markup language source when such other portions are selected for display. (*Emphasis added*).

Independent Claims 8 and 15 recite analogous limitations.

The Applicant and the Examiner are in agreement that the *Bickmore* reference teaches a mobile device that displays a portion of markup language containing graphical elements by replacing those graphical elements with placeholders. There is similar agreement that the *Patil* reference describes pop-up symbols that appear when a modifier button is pressed, in order to indicate keyboard shortcut keys that are mapped to individual toolbar icons.

However, the Examiner asserts, in both the July 26, 2005 Office Action and the October 27, 2005 Advisory Action that the motivation to combine the keyboard shortcuts of *Patil* with the mobile device of *Bickmore* would have been to provide a way of initiating a link besides the conventional point and click method. The Applicant respectfully submits that this assertion ignores the fact that the *Bickmore* reference already describes a technique for initiating a link besides the conventional point and click method. Furthermore, neither the *Bickmore* nor *Patil* teaches any shortcoming of the *Bickmore* technique that would lead the person of skill in the art to look for an alternative to the *Bickmore* solution.

As pointed out by the Applicant in the Reply Under 37 C.F.R. §1.116, filed September 22, 2005, and as acknowledged by the Examiner in the Advisory Action, the mobile device of *Bickmore* lacks the point and click method of navigating hyperlinks. Ignored by the Examiner, though, is that the *Bickmore* reference, in fact, already teaches a technique for dealing with this shortcoming of the mobile device. A user of the mobile device of *Bickmore* traverses the graphic element placeholders by repeatedly pressing a LINKS button, which causes the mobile device to display each of the graphical elements in turn.

As such, the person of skill in the art is presented by the *Bickmore* reference with a complete solution to the problem of initiating a link besides the conventional point and click method, and therefore has no motivation to seek another solution in the teaching of the *Patil* reference, as proposed by the Examiner. Furthermore, no reference cited by the Examiner describes a problem with the *Bickmore* solution that would lead the person of skill in the art to seek another solution. Instead, the Examiner simply asserts that an artisan would have found it

obvious to combine the references because of the lack of point and click capability in *Bickmore*—a shortcoming already overcome in the *Bickmore* reference itself.

Finally, the combination of the *Bickmore* and *Patil* references proposed by the Examiner would not result in the invention as recited in the Applicant's claims. The *Patil* reference describes displaying pop-up symbols when a computer keyboard modifier key (such as ALT) is pressed. The pop-up symbols identify keyboard buttons that, when pressed in combination with the modifier key, activate a desired toolbar icon. Were the keyboard shortcuts of the *Patil* reference to be combined with the mobile device of *Bickmore*, as proposed by the Examiner, the result would be a mobile device that replaced a graphical element with a placeholder label corresponding to a button only when the user pressed a modifier key. In contrast, the independent claims of the present application recite an apparatus and method that automatically replaces graphical elements with placeholders having labels corresponding to buttons.

In summary, there is neither a motivation nor a suggestion in either the cited references or the knowledge of a person of ordinary skill in the art at the time of the Applicant's invention to combine the teachings of the *Bickmore* and *Patil* references. Furthermore, even if the references were to be combined, the combination would not result in the Applicant's invention as recited in the independent claims of the Application. For these reasons, the Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness and, without more, the Applicant is entitled to grant of a patent.